

REMARKS

Claims 37 – 100 are now pending the application.

The Examiner has made a number of rejections based on McGill et al. Provisional Application. The undersigned called the Examiner and asked the Examiner to provide a copy of this application. The Examiner stated that the provisional application was available electronically on PAIR. However, while portions of file histories are available electronically on PAIR, this does not currently include provisional applications. Thus, the McGill et al. Provisional Application is available to Applicants only by going into the USPTO, and copying it from the file history of the McGill application. Thus, it is respectfully requested that if this reference is relied on by the Examiner, a copy be provided to Applicants.

Table 2 on pages 21 and 22 has been amended to change an obvious typographical error.

Claim Rejections – 35 USC §103

Claims 1 -- 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5,909,023 filed February 21, 1997, hereinafter "Ono et al.") and McGill et al. (US Patent No. 6,678,685 B2 filed January 23, 2001; Provisional Application No. 60/178,171 filed January 26, 2000, hereinafter "McGill et al."). Since amendments to claims 1 – 37 to properly distinguish over the cited references and at the same time capture the invention would have been difficult to follow, claims 1 – 37 have been canceled and replaced by claims 83 – 100.

Independent claim 83 contains the limitation:

... generating within each said data object at least one field and associating one of said field identifiers with each said field, wherein one or more of said data objects include certain field identifiers that are not included in other data objects in said database.

Referring to FIG. 5 in Ono et al., each data object includes the same information about the data object. That is, each data object corresponds to a different user, and contains fields for "purchase day", "merchandise group", "merchandise code", "purchase frequency", and "purchase money amount". Like all prior art databases, these fields have to be the same for each user (object), or the database does not work. In contrast, the database of the present invention is able to accommodate different fields in each object.

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This makes the database much more efficient. In the prior art, if certain information was not available or appropriate for an object, the field corresponding to that information would be left blank. This results in a huge number of null fields in a database, which is inefficient. This improvement is not disclosed or suggested in any prior art; therefore, claim 83 is patentable. Claims 84 through 94 depend on claim 83 and are therefore also patentable. In addition, claims 86, 88, and 90 – 94 include limitations not disclosed or suggested in any prior art references, and are patentable for this reason also.

Independent claim 95 contains the limitation:

... each said data object including within it an array of rows and columns for storing information regarding said item, each row of said array including a field identifier and a field, said field identifier defining the type of information to be stored in said field, said field containing information about said item of the type defined by said field identifier.

In Ono et al., referring to FIG. 5, like all prior databases, the fields are in columns, with a field identifier above each column. Thus, for each row, a field must be included for each field identifier, which again results in a lot of empty fields for databases that include a wide variety of items. Further, to add a new field, you have to add a row, which requires someone highly skilled in database design to accomplish. In the present invention, the rows comprise a field identifier and a field. Thus, if a new item having a new attribute is added to the database, one with little skill can insert a new row to accommodate the new attribute. This improvement is not shown or suggested in any prior art reference; therefore, claim 95 is patentable. Claims 96 and 97 depend on claim 98 and are therefore also patentable.

Claim 98 includes the limitation:

... configuring a database object corresponding to each of said items, each said database object including an array of rows and columns, said array including a field identifier column and a field column different from said field identifier column;

This limitation states the advance that the field identifier is in a separate column, which allows different field identifiers to be used in different objects. Further, claim 98 also includes the limitation that after the database is utilized to retrieve information

... defining a new field identifier, creating a new row in said database

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corresponding to said new field identifier, and entering new information in the field column of said new row, said new information of the type corresponding to said new field identifier.

This claims the advantage that new field identifier rows can be added after the database has been configured, which, as known in the art, can be done by clerical type help. This is not disclosed or suggested in any prior art; therefore, claim 98 is patentable. Claims 99 and 100 depend on claim 98 and are therefore also patentable.

Claims 38 – 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagasaki (US Patent No. 6,125,353 filed August 25, 1997, hereinafter "Yagasaki"), Ono et al. (US Patent No. 5,909,023 filed February 21, 1997, hereinafter "Ono et al.") and McGill et al. (US Patent No. 6,678,685 B2 filed January 23, 2001; Provisional Application No. 60/178,171 filed January 26, 2000, hereinafter "McGill et al."). These rejections are respectfully traversed.

Independent claim 38 includes many limitations not shown or suggested in Yagasaki, Ono et al, or McGill et al. Claim 38 includes a plurality of lists. This was in the preamble of the original claim; the claim has been amended so that it is now expressly in the body of the claim. Yagasaki does not include a database that includes a plurality of lists. The list of Yagasaki is generated by the system, and there is no suggestion that once generated it is included in the database. At any rate, if any list is included at any time in the database, it is only a single list, which is lost after the user exits the system. In other words, Yagasaki does not disclose that a server database may be used to store a plurality of lists; i.e., it is not a list database as claimed. The claim has also been amended to expressly include the limitation that each list stored in the database includes a list identifier, which was implicit in the original claim. We suspect that what the Examiner is calling a list identifier is the category; however, there is no evidence that this category is stored on the Yagasaki database in association with the list. Claim 38 also discloses revising the retrieved list on the client computer using the management tool. The limitation that the revising is done on the client computer using the management tool was implicit in the original claim and has been made express by amendment. This limitation is not mentioned by the Examiner, and is not in Yagasaki. The Examiner admits that Yagasaki does not disclose updating the database, but says that McGill et al. shows this. McGill et al. only

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indirectly shows updating a database, and does not show updating a list on a list database. Thus, claim 38 contains three limitations not disclosed in any reference. The Examiner states that making the combination of the three references is obvious (which is debatable); however, even if the combination is made, one does not arrive at the claim because these three elements are missing. Thus, claim 38 is patentable. Claims 39 – 79 depend on claim 38 and are therefore also patentable. In addition, these claims include many elements, such as the item database on a server computer remote from the client computer and/or updating the lists from the item database (claims 45, 46, 48, 49, 51 – 55, 61 – 65, 69, and 70), which are nowhere disclosed or suggested in any of the references, and such claims are patentable for that reason also. As another example, with respect to claim 60, the Examiner says that Yagasaki discloses a browser, but claim 60 claims that the browser is used to locate the item provider computer system and to search the item provider computer system for the item. Yagasaki does not disclose these further limitations. Likewise, in almost all claims there are elements not shown in the references.

Claims 80 – 82 are rejected in paragraph 16 of the Office Action, but the only statement regarding these claims is that Yagasaki teaches a mail server with product search capability. Claims 80 – 82 do not relate to a mail server, and include many limitations not addressed anywhere in the Office Action. Such rejections are improper because there is no way to reasonably respond to them.

In view of the amendments and remarks herein, claims 38 – 100 are believed to be patentable and their reconsideration and allowance are respectfully requested. No fee is seen to be required. If any fee is required, please charge it to Deposit Account No. 50-1848.

Respectfully submitted,
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